

Massachusetts Department of Revenue Division of Local Services

Alan LeBovidge, Commissioner Gerard D. Perry, Deputy Commissioner



April 12, 2006

Marcia A. Britto
Town Hall
11 Lincoln Street
Plymouth, MA 02360

Re: Clause 41C
Our File No. 2006-122

Dear Ms. Britto:

You inquired whether gross income or adjusted gross income should be used in determining eligibility under Chapter 59 Section 5 Clause 41C.

Clause 41C includes tests for gross receipts and whole estate. The statutory phrase "gross receipts from all sources" includes both taxable and nontaxable income. By its terms, Clause 41C requires that all income from whatever source derived must be included in the applicant's gross receipts.

Under "gross receipts", an exemption applicant must include such items as a municipal pension, Workmen's Compensation or annuity payments. Consequently, "gross receipts" is a more expansive term than gross income for federal or state income tax law.

If there are further questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, which appears to read "Kathleen Colleary", is written over a horizontal line.

Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC/JFC